

<b>IN THE UNITED STATES PATENT AND TRADEMARK OFFICE</b>	Patent Number	6,828,480
	Issue Date	December 7, 2004
	First Named Inventor	MCCALL, LLOYD I
	Group Art Unit	1638
	Examiner Name	BUI, PHUONG T.
	Attorney Docket Number	1379-005

Title of the Invention: SOYBEAN CULTIVAR SG5010NRR

**REQUEST FOR EXPEDITED ISSUANCE OF CERTIFICATE OF CORRECTION**

Certificate of Corrections Branch  
 Commissioner for Patents  
 P. O. Box 1450  
 Alexandria, VA 22313-1450

Sir:

Patentee requests Expedited Issuance of Certificate of Correction to correct the following errors:

Column 20, line 12, replace "25" with --11--.

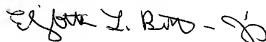
Column 20, line 17, replace "27" with --13--.

Column 20, line 22, replace "29" with --15--.

Column 20, line 29, replace "31" with --17--.

Column 20, line 58, replace "33" with --19--.

All the above errors are the fault of the Patent and Trademark Office, in the above identified patent. Along with this request, Patentee submits a copy of the Amendment After Notice of Allowance under 37 C.F.R. §1.312 filed with the Patent and Trademark Office on April 14<sup>th</sup>, 2004.

<b>RESPECTFULLY SUBMITTED,</b>					
NAME AND REG. NUMBER	ELIZABETH BENNETT-JARVIS, Reg. No. 53,982				
SIGNATURE			DATE	Feb. 28, 2008	
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UNITED STATES PATENT AND TRADEMARK OFFICE  
CERTIFICATE OF CORRECTIONPage 1 of 1

PATENT NO. : 6,828,480

APPLICATION NO.: 09/960,322

ISSUE DATE : December 7, 2004

INVENTOR(S) : MCCALL, LLOYD I

It is certified that an error appears or errors appear in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

Column 20, line 12, replace "25" with --11--.  
Column 20, line 17, replace "27" with --13--.  
Column 20, line 22, replace "29" with --15--.  
Column 20, line 29, replace "31" with --17--.  
Column 20, line 58, replace "33" with --19--.

## MAILING ADDRESS OF SENDER (Please do not use customer number below):

Jondle & Associates, P.C.  
858 Happy Canyon Road, Suite 230  
Castle Rock, CO 80108

This collection of information is required by 37 CFR 1.322, 1.323, and 1.324. The information is required to obtain or retain a benefit by the public which is to file (and have the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Attention Certificate of Corrections Branch, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

*If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.*

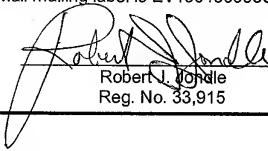
IN THE  
UNITED STATES  
PATENT AND TRADEMARK  
OFFICE

Application Number	09/960,322
Filing Date	September 24, 2001
First Named Inventor	Lloyd L. McCALL
Group Art Unit	1638
Examiner Name	Phuong T. BUI
Attorney Docket Number	N1379-005

*Title of the Invention:* SOYBEAN CULTIVAR SG5010NRR

**CERTIFICATE OF EXPRESS MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail (post office to addressee) in an envelope addressed to: Mail Stop Issue Fee, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 on this 14<sup>TH</sup> day of April, 2004. The number of the Express Mail mailing label is EV195486693US.



Robert J. Jondle  
Reg. No. 33,915

**AMENDMENT AFTER NOTICE OF ALLOWANCE**  
**UNDER 37 C.F.R. §1.312**

Mail Stop Issue Fee  
Commissioner for Patents  
P. O. Box 1450  
Alexandria VA 22313-1450

Sir:

In response to the Notice of Allowance mailed February 9, 2004, please enter the amendments as shown on the attached pages.

**Amendments to the Specification** begin on page 2 of this paper.

**Amendments to the Claims** are reflected in the listing of claims which begins on page 3 of this paper.

**Remarks** begin on page 6 of this paper.

## AMENDMENTS TO SPECIFICATION

On page 29, please delete the first paragraph and replace as follows:

[0144] A deposit of the soybean seed of this invention is maintained by Soygenetics LLC, 4640 East State Road 32, Lebanon, IN 46052. Access to this deposit will be available during the pendency of this application to persons determined by the Commissioner of Patents and Trademarks to be entitled thereto under 37 CFR 1.14 and 35 USC 122. Upon allowance of any claims in this application, all restrictions on the availability to the public of the variety will be irrevocably removed by affording access to a deposit of at least 2,500 seeds of the same variety with the American Type Culture Collection, Manassas, Virginia.

[0144] A deposit of the Soybenetics LLC proprietary soybean cultivar SG5010NRR disclosed above and recited in the appended claims has been made with the American Type Culture Collection (ATCC), 10801 University Boulevard, Manassas, Virginia 20110. The date of deposit was April 1, 2004. The deposit of 2,500 seeds were taken from the same deposit maintained by Soygenetics LLC since prior to the filing date of this application. All restrictions upon the deposit have been removed, and the deposit is intended to meet all of the requirements of 37 C.F.R. §1.801-1.809. The ATCC accession number is PTA-5902. The deposit will be maintained in the depository for a period of 30 years, or 5 years after the last request, or for the effective life of the patent, whichever is longer, and will be replaced as necessary during that period.

### Amendments to the Claims

This listing of claims will replace all prior versions, and listings, of claims in the application:

1. (CURRENTLY AMENDED) Seed of a soybean variety designated SG5010NRR, representative seed having been deposited under ATCC Accession No. PTA-5902.
2. (ORIGINAL) A soybean plant, or parts thereof, produced by growing the seed of claim 1.
3. (ORIGINAL) Pollen of the plant of claim 2.
4. (ORIGINAL) An ovule of the plant of claim 2.
5. (ORIGINAL) A soybean plant, or parts thereof, having all of the physiological and morphological characteristics of the soybean plant of claim 2.
6. (ORIGINAL) A tissue culture of regenerable cells from the plant of claim 2.
7. (PREVIOUSLY PRESENTED) The tissue culture according to claim 6, said tissue culture is obtained from a tissue selected from the group consisting of: leaves, pollen, embryos, cotyledon, hypocotyl, meristematic cells, roots, root tips, anthers, flowers, seeds, stems and pods.
8. (PREVIOUSLY PRESENTED) A soybean plant regenerated from the tissue culture of claim 6, wherein the regenerated plant has all of the morphological and physiological characteristics of soybean cultivar SG5010NRR.
9. (PREVIOUSLY PRESENTED) A soybean plant with all of the physiological and morphological characteristics of soybean variety SG5010NRR, wherein said soybean plant is produced by a tissue culture process using the soybean plant of claim 5 as the starting material for said process.
10. (ORIGINAL) A method for producing a hybrid soybean seed comprising crossing a first parent soybean plant with a second parent soybean plant and harvesting the resultant hybrid soybean seed, wherein said first parent soybean plant or said second parent soybean plant is the soybean plant of claim 2.

11 - 24. (CANCELLED)

25. (PREVIOUSLY PRESENTED) A method of producing an herbicide resistant soybean plant comprising transforming the soybean plant of claim 2 with a transgene that confers herbicide resistance.

26. (PREVIOUSLY PRESENTED) An herbicide resistant soybean plant produced by the method of claim 25.

27. (PREVIOUSLY PRESENTED) A method of producing an insect resistant soybean plant comprising transforming the soybean plant of claim 2 with a transgene that confers insect resistance.

28. (PREVIOUSLY PRESENTED) An insect resistant soybean plant produced by the method of claim 27.

29. (PREVIOUSLY PRESENTED) A method of producing a disease resistant soybean plant comprising transforming the soybean plant of claim 2 with a transgene that confers disease resistance.

30. (PREVIOUSLY PRESENTED) A disease resistant soybean plant produced by the method of claim 29.

31. (PREVIOUSLY PRESENTED) A method of producing a soybean plant with modified fatty acid or carbohydrate metabolism comprising transforming the soybean plant of claim 2 with a transgene encoding a protein selected from the group consisting of stearyl-ACP desaturase, fructosyltransferase, levansucrase, alphaamylase, invertase and starch branching enzyme.

32. (PREVIOUSLY PRESENTED) A soybean plant produced by the method of claim 31.

33. (CURRENTLY AMENDED) A method of introducing a desired trait into soybean cultivar SG5010NRR comprising:

- (a) crossing the SG5010NRR plants, grown from seed deposited under ATCC Accession No. PTA\_\_\_\_\_ PTA-5902, with plants of another soybean line that comprise a desired trait to produce F1 progeny plants, wherein the

desired trait is selected from male sterility, herbicide resistance, insect resistance and resistance to bacterial, fungal or viral disease;

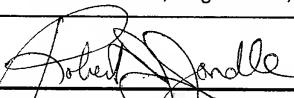
- (b) selecting F1 progeny plants that have the desired trait to produce selected F1 progeny plants;
- (c) crossing the selected F1 progeny plants with the SG5010NRR plants to produce first backcross progeny plants;
- (d) selecting for first backcross progeny plants that have the desired trait and physiological and morphological characteristics of soybean cultivar SG5010NRR, as described in the Variety Description Information, to produce selected first backcross progeny plants; and
- (e) repeating steps (c) and (d) three or more times in succession to produce selected fourth or higher backcross progeny plants that comprise the desired trait and all of the physiological and morphological characteristics of soybean cultivar SG5010NRR as described in the Variety Description Information and as determined at a 5% significance level when grown in the same environmental conditions.

34. (PREVIOUSLY PRESENTED) A plant produced by the method of claim 33, wherein the plant has the desired trait and all of the physiological and morphological characteristics of soybean cultivar SG5010NRR as described in the Variety Description Information and as determined at a 5% significance level when grown in the same environmental conditions.

**REMARKS**

The specification has been amended to include the ATCC deposit information. A receipt from ATCC is attached. Claims 1 and 33 have been amended to state the ATCC accession number. No new matter is included in these amendments.

Applicant respectfully requests entry of the foregoing amendments to the specification and claims.

<b>RESPECTFULLY SUBMITTED,</b>					
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